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SECRETARIAT
OF THE ORISSA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 25th July, 2009

No. 8609/L.A.,—The following Bill which has been introduced in the Orissa Legislative Assembly on the 25th July 2009 is herewith published under Rule-68 of the Rules of Procedure and conduct of Business in the Orissa Legislative Assembly for general information.

**THE ORISSA GOVERNMENT LAND SETTLEMENT
(AMENDMENT) BILL, 2009**

**A
BILL**

FURTHER TO AMEND THE ORISSA GOVERNMENT LAND SETTLEMENT
ACT, 1962

BE it enacted by the Legislature of the State of Orissa in the
Sixtieth Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Orissa Government Land Settlement
(Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 26th day of
February, 2009.

Amendment
of section 3.

2. In the Orissa Government Land Settlement Act, 1962, in section 3,—

Orissa Act
33 of 1962.

(i) sub-section (2-a), shall be omitted ;

(ii) for sub-section (4) the following sub-section shall be substituted,
namely:—

“(4) Notwithstanding anything to the contrary contained in
the preceding sub-sections or in any law or any custom, practice or
usage having the force of law—

- (a) any land of the category of Khasamahal, Nazul, Gramkantha Parambok or Abadi, wherever situated and used for any purpose, may, on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least three years prior to the appointed date, in such manner and subject to payment of such amount to the Government as may be prescribed ;

*Explanation:—*The word ‘lease’ includes sub-lease or subsequent lease by the lessee or the sub-lessee, as the case may be.

- (b) if any person in occupation of the land as mentioned in clause (a) fails to apply under the provisions of the said clause within a period of six months from the date of publication of the Orissa Government Land Settlement (Amendment) Act, 2009 in the Official Gazette for settlement of such land, he shall be summarily evicted in the manner prescribed and such land shall be resumed by the Government ; and
- (c) the amount and rent payable to Government for such settlement through the Tahasildar concerned shall be recovered as arrear of land revenue, if the occupant fails to pay the same at the time of settlement.

*Explanation:—*For the purpose of this sub-section the expression “appointed date” shall mean the date of commencement of the Orissa Government Land Settlement (Amendment) Act, 2009.”; and

- (iii) after sub-section (4), the following sub-section shall be inserted, namely :—

"(5) Government shall, from time to time, determine the maximum extent of land to be settled with any person under the provisions of this Act, for different purpose.”.

STATEMENT OF OBJECTS AND REASONS

Khasamahal lands, Nazul lands, Gramakantha Parambok lands and Abadi lands have been included in the definition of Government land under clause (b) of section 2 of the Orissa Government Land Settlement Act, 1962 as amended in 1991 by Orissa Act 1 of 1991 (hereinafter referred to as the said Act) which came into force with effect from the 2nd September, 1992.

Under the said Act, it is provided that in respect of Khasamahal or Nazul land used as homestead in urban area, the lease hold land shall be settled with the lessee/sub-lessee/subsequent sub-lessee with permanent, heritable and transferable rights and for such settlement, the lessee/sub-lessee/subsequent sub-lessee has to be in occupation of such land for not less than five years as on the appointed date i.e. 9th January, 1991. Similarly, in respect of Gramakantha Parambok or Abadi land except where such land is used as homestead in any urban area, it is provided that such land shall be settled with the said person permanently with heritable and transferable right if the said person is in occupation of such land for not less than five years as on the appointed date. In case such land is in urban area, it shall be settled on lease hold basis.

While a person in possession of Khasmahal or Nazul land on 9-1-1986 is entitled to settlement under clause (c) of sub-section (4) of section 3, a person who has come into possession of such land after 9-1-1986 is not entitled to settlement.

While Nazul or Khasamahal land used as homestead purpose in urban area could be settled on permanent, heritable and transferable basis, such land used for other purposes like commercial, industrial and agricultural could not be so settled. It is proposed to settle all Khasamahal or Nazul land irrespective of its use with the occupant who possesses such land for a period of not less than three years from the date of commencement of the proposed amendment.

There is no provision at present for permanent settlement of Khasamahal or Nazul land in rural areas. It is therefore proposed that all Khasamahal or Nazul land in occupation of the persons shall be settled with them permanently with heritable and transferable right. It is proposed that the subsequent sub-lessee or lessee, as the case may be, with whom the land is settled shall pay such amount and rent to the State as may be prescribed by Rules to be framed under the proposed Amendment Act.

In the undivided districts of Ganjam and Koraput, Basti Jogya land has been recorded as Gramakantha Parambok land in the Records of Right. If any person occupying the Gramakantha Parambok land for homestead purpose transfers the said land, the right, title and interest of the occupants of the land do not flow to the transferee and accordingly the land is not be settled in his favour.

In order to overcome such difficulties it is now proposed to provide that any land of the category of Khasamahar, Nazul, Gramakantha Parambok or Abadi, wherever situated and used for any purpose, may, on application, be permanently settled with heritable and transferable right with the person who is in occupation of such land either on the basis of lease or otherwise for a period of at least three years prior to the appointed date in such manner and subject to payment of such amount to the Government, as may be prescribed by Rules to be framed under the Amendment Act.

The Bill seeks to achieve the above objectives.

SURYA NARAYAN PATRO

Member-in-Charge

K. C. BARIK

Secretary

Orissa legislative Assembly